89- 1621

Case No.____

Supreme Court of the United States

Term: October 1989

State of Oregon vs.
Charles E. McManama, petitioner (pro se)
O.S.C. No. S36279

Petition for Writ of Certiorari
To the Oregon Supreme Court

Petition for Writ of Certiorari

Petitioner's address: 27484 S.E. Paul Bunyan Lane, Eagle Creek, Oregon 97022

Opposing counsel [member of the Bar of the United States Supreme Court] upon whom service is to be made:

Virginia L. Linder, Solicitor General
400 Justice Building, Salem, Oregon 97310

The Question Presented for Review:

Is a State Supreme Court [the Oregon Supreme Court] inherently compelled to accommodate a Petition for Judicial Review when *specifically* premised upon Constitutional cause?

1. Upon which the Constitutional rights of that petitioner are dependent;
2. At least, until this premise has been *objectively* [in open process] determined to be without merit; and
3. In *all* cases in which "government" is the plaintiff, whether civil or criminal.

In other words: Would such a failure to accommodate Petition for Judicial Review that was specifically premised upon such Constitutional cause be a violation of that petitioner's Constitutional right of due-process under law? ...And, if so, isn't such a State Supreme Court in such circumstances unquestionably thereby compelled to provide judicial review?

[Because it is amazing (to the petitioner, at least) that such a question need be brought, a ruling on this matter could, therefore, be of great benefit to *all* citizens of the United States.]

A Concise Statement of the Grounds on which Jurisdiction of the United States Supreme Court is Invoked:

The petitioner, a citizen of the United States, has been denied his right of due-process-under-law by the Oregon Supreme Court [as guaranteed by the integrity of the United States Constitution]; by virtue of the fact this said court [a court of last resort] failed to act upon a petition-for-judicial-review **expressly based upon constitutional cause** (evidencing no effect to determine or measure, nor provide reason for which).

Secondly, the petitioner, having been denied his constututional right to due-process-under-law (as alleged above), had subsequently clearly and unquestionably pressed this as a constitutional right; in such manner that there **could have been no mistake** but that the Oregon Supreme Court were made fully aware, and **were choosing to ignore this constitutional requirement in direct violation thereof.**

Thirdly, the petitioner apparently has now exhausted all possible legal remedy in that court, and **without delay**[1] hereby comes forth to the United States Supreme Court seeking his right as a citizen to the protection of the United States Constitution.

Therefore, the petitioner hereby prays to the United States Supreme Court for this protection; upon the vital reason and principle that if such protection is not provided with integrity, it is not provided at all; thereby, wrongfully making our United States Constitution to be a mockery and a sham [instead of being in its rightful place as the supreme law of the land].

Prays to the effect that:

Justices of State Supreme Courts cannot be arbitrators serving bureaucratic convenience or whim; but, must serve law, and decisions must overtly reflect law in a visible recognizable way. And, that they must hear all cases petitioned on constitutional grounds; at least, to the point the alleged grounds can be objectively evaluated as having insufficient merit for which.

[1]Prompt timeliness: Although the Petition for Judicial Review was first denied in August 29, 1989, subsequent petitions and motions were made. And, the latest order to that effect was December 28, 1989. After that time there were further motions containing what the petitioner had honestly felt were more-compelling arguments; that were not answered, despite diligence.

Therefore, because that court did not at any time **explicitly** close further consideration, and because of concern that a Petition for Writ of Certiorari could not be properly entered before prior judicial remedy had been considered exhausted, the petitioner didn't feel the matter had been unquestionably closed until February, 1990.

If there is opposition to this view, please consider the Constitutional requirement that **due-process under law shall not be denied by procedural effect.**

Provisions in the United States Constitution Cited:

Amendment XIV. (as guaranteeing due process under law) This amendment **explicitly** reaffirms the integrity already presumed necessary in law.

A Concise Statement of the Case[2] Material to the Consideration of the Question Presented:

[2]**It is important to point out** that matters in the said case are not part of the question to be considered; only providing evidence of the validity and existence of a necessary subordinate constitutional question.

1. The petitioner was hailed into a District Court on a traffic citation, and agreed to pay a reduced fine. There was a guilty plea of speeding, but a contention on the amount of overspeed. The peculiarity of this was such that when [afterward] examining the trial record, a judicial inconsistency was discovered; from which it was determined that the petitioner had been denied his constitutional right to due process under law.
2. This matter was then appealed, and the circumstances of the Appeals Court were about the same; denial of due-process. This began in the fact that the state's attorney had falsly represented the appellant's position (in her brief) **wrongly** alluding key relevance to other than the assignments of error [the essential agenda]. Apparently, the panel of appellate judges [considering the case] had read only her brief, and, subsequently, would not address this as a faulty brief in the great travesty of justice ***[criminal complicity in "cover-up"]*** that followed. Of this, the appellant became reasonably certain; in view of the properly directed petitions and motions that were denied, flatly and without reason or opinion.

3. Consequenly, Petition for Judicial Review in the Oregon Supreme Court was explicitly premised upon denial of Constitutional right. So, when the Oregon Supreme Court subsequently denied all petitions and motions flatly, and without reason or opinion; the justices therein **[in effect]** not only expressed contempt for the citizen, **they expressed contempt for the Constitution of the United States.**

The great weight of such a constitutional violation becomes unquestionably apparent when reviewing the petitions, motions, and memorandums in the Oregon Supreme Court by the [your] petitioner (the Defendant Appellant therein), herewith enclosed for examination in the APPENDIX. This includes (1) Petition for Judicial Review, (2) two petitions for reconsideration, (3) four subsequent motions and memorandums, and (4) a response to the Oregon Court Admistrator's "legal counsel" that adds to the facts of the matter.]

Again, it should be emphasized: The evidence therefrom is only:

(1) in the constitutional premise within the petition for judicial review; and,

(2) in that such review was then denied [without first deposing the constitutional premise]. ...Such evidence seems to appear infallible beyond contest.

Direct and Concise Argument Amplifying the Reason Relied on for Allowance of the Writ:

The reasons relied upon for allowance of the writ rely, simply, upon the Constitutional right of due-process, **denied**. Since the United States Constitution is the supreme law of the land, this simply cannot be amplified upon, **nor can any reason exist making allowance of the writ more imperative.**

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APPENDIX

Table of contents:

[All court orders in response to petitions and motions above were captioned: "The Supreme Court of the State of Oregon"; (after identifying the case, etc.) thereunder saying nothing more than, "petition denied", or "motion denied", signed (or stamped), "Edwin J. Peterson, Chief-Justice".]

[judgement]

****

IN THE COURT OF APPEALS OF THE STATE OF OREGON

STATE OF OREGON,	)	
Respondent	)	Trial Court/Agency
v.	)	No. 88U86031
CHARLES E. McMANAMA,	)	
Appellant	)	CA A48811

Appeal or judicial review from: Clackamas County District Court.

Date argued or submitted on briefs: December 30, 1988.

Before: Graber, presiding judge, and Riggs and Edmonds, judges.

Attorney for Appellant: Charles E. McManama, pro se, Eagle Creek

Attorney for Respondent: Dave Frohnmayer / Linda DeVries Grimms, Salem

Affirmed without opinion. Date filed: February 15, 1989

****

Date Supreme Court denied petition for review: Aug. 29, 1989

Date appellate judgement filed: Nov. 27, 1989

IN THE SUPREME COURT OF THE STATE OF OREGON

THE STATE OF OREGON	)	PETITION FOR JUDICIAL REVIEW[1]
Plaintiff Respondant	)	Clackamas County
vs.	)	District Court No. 88U86031
CHARLES E. McMANAMA	)	Appeal Court No. A48811
Defendant Appellant	)	[1][denied August 29, 1989]

THE DEFENDANT APPELLANT HEREBY PRAYS TO THE SUPREME COURT OF THE STATE OF OREGON FOR JUDICIAL REVIEW;

to enstate appropriate due-process as implicitly required by the Constitution of the United States.

Before proceeding with the normal particulars:

NOTE: Behind the face of this matter, the Plaintiff Respondent's Attorney presented an irrelevant brief; greatly compounding the original breach of due-process by the lower court.

This became very serious when the three judges of the Appeals Court [who originally examined the matter] apparently examined the Respondent's brief only; by all indications not even seeing the Defendant Appellant's "assignments of error" nor addressing them. [The Appeals Court subsequently obstructed the introduction of this matter into the record.]

The Defendant Appellant sought to expose this compounded breach

by submitting a "Reply Brief" with a motion for which; which was denied (without reason), and by successive motions to this effect. The final motion was to (in effect) strike the Respondent's brief; which came too late for practical purposes before the Appeals Court, apparently being anxious to cut the Defendant Appellant short.

While there were a number of breaches of Constitutionally required due-process, the most serious of all is the matter of the irrelevant brief and the apparent "cover up" by the said three judges [who were apparently willing to set their integrity aside in behalf of a personal friend, a fellow bureaucrat].

Perhaps such is a common thing. But, to those who take their oaths of office with integrity, it should be enough to make you want to vomit. The apparent affront thereby against the integrity of our judicial system here in Oregon represents the grossest of unscrupulousness, dereliction and dishonesty.

Consequently, it becomes apparent that all four of these people (the Plaintiff attorney and the three judges) should be made subject to disciplinary review before the Supreme Court as to their credentials to practice law in Oregon.

As you contemplate these words, you must ask yourselves: what is your civic duty as citizens, and your judicial duty as justices sworn to uphold the law. Of course, it is unpleasant, but the integrity of our institutions must be preserved.

Proceeding now with the normal sequence of particulars of this Petition:

PARTICULARS LEADING FORTH TO THIS PETITION FOR JUDICIAL REVIEW:

1. The Court of Appeals cut short the Defendant Appellant by court order, denying the Defendant Appellant's "Petition for Reconsideration" as being "untimely"; not within the required period allowed. Yet, the Defendant Appellant had moved [in effect] to strike the Respondent's Brief---a motion that tolls time (ORAP). And, all parties were notified of this effect.
2. Considering this "toll of time", and the fact that this motion was filed on or before the issuence of the Court Order in favor of the lower court [against the Appellant) should, instead, affirm such "timeliness". Timeliness was affirmed again by the fact that the motion (that tolled time) was acknowledged and answered [denied] by Court Order [its answer being an act thereof].

*Note: If this (their answer) had not been the closing response from which time ceased to toll, the appellate court should have ALSO responded indicating that the prior agenda had been closed with the ruling in favor of the lower court, and that this motion had been "out of order". It did not.

3. Therefore, it becomes abundantly evident that the Defendant Appellant's "Petition for Reconsideration" was unquestionably "timely"; and, that denial thereof on this ground was improper. [Of course, this can be argued in much greater detail; but, it all boils down to the Constitutional right of due-process. Private rights thereunder must be preserved. There is no choice before this court.]

HOWEVER, IF QUESTION STILL REMAINS, PLEASE CONSIDER THE FACTS AGAIN IN ANOTHER LIGHT:

(A) The Order in favor of the lower court had not merely crossed in the mail; it was made after the Defendant Appellant's motion tolling time had been received by the Court Administrator. Unquestionably verifying this, the Court Administrator's representative remarked (by phone) that the judgement appeared to be "ahead of schedule", and mused that the "motion may have been a reason" for which. [The filing date, in contrast, is uncertain.]

(B) But, if this particular debate had been closed, the Court should have so-informed the Defendant-Appellant.

(C) However, the fact the motion was answered, instead, clearly indicated the court did not then consider this particular debate closed [its answer being an act thereof]. Consequently, the later ruling denying admittance of "Petition for Reconsideration" on the ground of being "untimely" was, therefore, clearly hypocritical.

In view of this, the Appellant-Defendant clearly did submit his "Petition for Reconsideration" in a timely manner. And, the Court's ruling to the contrary is thereby shown arbitrary.

A BREACH OF ETHICS THAT MAY HAVE PREJUDICED THE INITIAL JUDGES IN THE OREGON COURT OF APPEALS:

The Respondent's Brief grossly misrepresented the Defendent-Appellant's position. It did not address the "assignments of error" and matters of contention posed; instead, falsely posing the Defendant Appellant's position.

*NOTE: The Defendant Appellant is not hereby charging malice (perhaps the brief was prepared on exceedingly short notice); nevertheless, despite that which had been shown to be obvious, the Respondent did not retract its brief.

Neither did the Court of Appeals agree to hear a Reply Brief to this effect [that had been prepared and submitted along with a timely motion for which].

IN FURTHER CONSIDERATION, the following, denied as "untimely", is pertinent:

VERBATIM OF "PETITION FOR RECONSIDERATION"

BEFORE THE COURT OF APPEALS

I.

On February 15, 1989 the Oregon Court of Appeals filed an Order affirming the lower court decision. On the day before [if the mails function as scheduled], the State Court Administrator received a filing of a MOTION that in effect "moved to strike the Plaintiff Respondent's brief"; a MOTION that tolls time pursuent to Rule 9.30 (ORAP).

Since this MOTION was not titled in exactly the same words, the Defendant Appellant served a timely subsequent NOTICE upon the Court and upon the Plaintiff Respondent that time had been tolled pursuent to Rule 9.30 (ORAP).

II.

The Court's answer to this MOTION [denied] was filed April 14, 1989; terminating the toll of time, making a final Petition for Reconsideration allowable on or within 30 days (or 35 days, as the case may be) thence, pursuent to Rule 10.10 (ORAP) and perhaps also Rule 10.5 [which is illogical and appears to be a misprint as referred to

from Rule 10.5 in the edition used]. *Errata: Rule 10.5 should have been written as Rule 10.05.

III.

Therefore, the Defendant Appellant hereby submits PETITION FOR RECONSIDERATION, and does so within the precise merits for which as set forth previously in the Defendant Appellant's initial brief; and by virtue of such preciseness and merit, admonishing the three appellate judges making initial review as being arbitrary and derelict [apparently not even reading the initial brief].

This charge is made in view of:

(1). Failure to supply opinion

(2). Failure to do so in respect to the Defendant Appellant's "assignments of error" [not overcome in any argument of law or statement of fact] which cited a denial of Constitutional right, and,

(3). thereby, also, in view of the fact these same judges are bound by oath to defend the Constitution of the United States [and are thereby obliged to treat this matter objectively and with concern for their **lawfully required** dedication]. ...[Footnote see app. p. 11.]

WITH THIS, THE MATTER IS SUMMED UP. On the following page are copies (reduced) of the final court orders: The judgement (**without opinion**) of February 15; the order of April 14 terminating the toll of time; and, the final order of June 2 which apparently closed the matter. And denying the law.

Charles E. McManama

IN THE SUPREME COURT OF THE STATE OF OREGON

THE STATE OF OREGON	)	PETITION FOR RECONSIDERATION[2]
	)	(Order Denying Review)
Plaintiff Respondant	)	
	)	
vs.	)	Court of Appeals No. A48811
	)	
CHARLES E. McMANAMA	)	Supreme Court No. S36279
	)	
Defendant Appellant	)	[2][denied October 3, 1989]

On August 29, 1989, the Court considered the petition for review and ORDERED that it be denied.

I.

Petition for Reconsideration is hereby submitted on the ground that protection of the law would be thereby denied to the Defendant Appellant, a resident of Oregon and a citizen of the United States.

II.

Furthermore, the Court is herein without the normal legal discretion to not-provide judicial review; in view of the following statement incorporated into the "prayer for judicial review": **to enstate appropriate due process as implicitly required by the Constitution of the United States.**

III.

Since it has been hereby posed as a Constitutional issue, the subsequent providing of judicial review becomes unavoidably compelling; since, the integrity of the Justices of the Supreme Court is thereby placed "on the line". In other words, the Justices MUST serve their oath of office; not

necessarily for the sake of the Defendant Appellant, but in order to serve their office with honor, in a manner befitting such servants of the people of the State of Oregon.

IV.

Obviously, it does not please the Court to consider the judicial fitness of certain appellate court judges, nor to consider the professional competence of the attorney for the Plaintiff Respondent; **as would be implicitly required** if this matter were to face judicial review. ["Cover-up" of a *blatantly fraudulent* brief by the respondent (improperly sustained by at least two judges in the appellate court) is obviously much more "comfortable", **although completely unprincipled and immoral.**]

V.

THEREFORE, the ethical and consequential forces behind this Petition for Reconsideration are **strongly compelling.** *It becomes thereby evident that the only alternative to compliance with the preceding Petition for Judicial Review is exposure to possible scandal of substantial proportion.* After all, the citizens of Oregon are entitled to expect integrity from their judicial system; and, particularly, from the highest officials therein, the Justices of the Supreme Court.

The Defendant Appellant HEREBY PRAYS that the Supreme Court of the State of Oregon **will** meet its appointed task **with integrity**; that the order denying petition for review will be reversed.

APPENDIX:

The foregoing essence in review:

1. The Court's ORDER denies protection of law;
2. Flies in the face of the U.S. Constitution, and oath of office thereto;
3. And, thereby avoiding the **implicitly required** review of judicial fitness and ethical competence in the effects of prior procedure constitutes a deriliction of duty that would be completely unprincipled and immoral.

The Court is thereby overwhelmingly obliged to examine. [If examined objectively, there should be no question of its conclusion.]

Charles E. McManama

*Footnote from app. page 8:

NOTE: See attached copy of the Odious Odometer News, Volume 1 Number 7, in which this particular case is reviewed [for the benefit of Oregon's Legislators] in an overwhelmingly convincing way. ...A shame upon Oregon's courts is revealed: and also upon methods [at least in this case] used by Oregon's Justice Department, whose attorney, Linda DeVries Grimms, committed serious violation against the integrity of the court by gross misrepresentation in their, as Plaintiff Respondent, initial brief.

IN THE SUPREME COURT OF THE STATE OF OREGON

THE STATE OF OREGON	)	PETITION FOR RECONSIDERATION[3]
	)	(Order Denying Review)
Plaintiff Respondant	)	
vs.	)	Appeal Court No. A48811
	)	
CHARLES E. McMANAMA	)	Supreme Court No. S36279
	)	
Defendant Appellant	)	[3][denied October 29,1989]

On June 26, 1989 the Defendant Appellant filed a PETITION FOR JUDICIAL REVIEW, citing: breach of the United States Constituton. ...On August 29, 1989 the Court ORDERED that the petition be denied.

About September 5, 1989 the Defendant Appellant filed a prior PETITION FOR RECONSIDERATION, citing:

1. That the Defendant Appellant would thereby be denied protection of the law.
2. That Constitutional law is at issue.
3. That the Justices of the Supreme Court of Oregon, under oath of office to support and defend the Constitution, are thereby required to hear this case.

On October 3, 1989 the Court ORDERED that the said petition for reconsideration be denied. *[The present petition is a second petition for reconsideration.]*

I.

The Defendant Appellant thereby finds himself in a "very interesting" situation. It appears that basis for judicial remedy in Oregon courts could be nearly at a close.

II.

However, since the Defendant Appellant is motivated by public purpose, as well as private purpose, he thereby would find his ends served quite well. It is not that anyone could wish to find a fundamentally corrupt government "establishment"; but, that, if it exists, there is a need to know the certainty of it.

Obviously, in preparing a ducumentary (book), actual witness certainly adds credibility. And, if there is to be such a book, the drama and impact certainly wouldn't be complete without an appeal to the Supreme Court of the United States.

It would be abundantly evident to the readers, and to the United States Supreme Court (for that matter); that, the Oregon court system makes a **mockery** of the law, a **mockery** to its very purpose. This obviously would include the Supreme Court of Oregon [**if** it continues to deny the Defendant Appellant the protection of law].

Well, the law may be mocked by a corrupt judicial system, and by corrupt individuals at the top [the Justices being hereby addressed]. But, "God is not mocked".

III.

Compounding the grossness, the matter includes the State's attorney [Linda DeVries Grimms], whose brief clearly misrepresented the issue. Also, it includes at least a quorum (two of three) appeals court judges who committed "cover-up" prejudice [ignoring the citizen] in violation of their honor under oath, and in violation of law. The necessity of

examining this grossness by the Oregon Supreme Court is implicit. Of course, it is uncomfortable for the Supreme Court Justices to review the competence and judicial fitness of thier fellows in profession. But, if they are to perform with integrity, they have no choice.

IV.

The present matter is obviously not trivial. It is the difference between integrity and corruption. The Justices of this court are under oath. ...The Constitution has been cited. ...Therefore, there are no options. ..The Justices of this court are obliged to hear this case. ...Both honor and law require it.

V.

The Defendant Appellant repeats his prayer for judicial review:

THE DEFENDANT APPELLANT HEREBY PRAYS TO THE SUPREME COURT OF THE STATE OF OREGON FOR JUDICIAL REVIEW; **to enstate appropriate due-process as implicitly required by the Constitution of the United States.**

Charles E. McManama

MOTION TO REVERSE COURT ORDER DENYING JUDICIAL REVIEW

[as remembered, denied early December 1989]

I.

There are Constitutional issues at stake here.

II.

The implicit* purpose of the Oregon Supreme Court is to hear such cases as they reflect upon interpretation of [Constitutional] law.

*not expressed by statute, but essential to definition, etc.

III.

Each Justice of this Court, upon entering office, took an oath "to support" [to defend] the State and Federal Constitutions.

IV.

Although the Court may have lawful discretion to choose the cases it will hear, this discretion obviously lawfully ends when "oath of office" and "implicit purpose" would be violated.

V.

THEREFORE, the Defendant Appellant hereby MOVES, repeating his prayer for Judicial Review:

THE DEFENDANT APPELLANT HEREBY PRAYS TO THE SUPREME COURT OF THE STATE OF OREGON FOR JUDICIAL REVIEW; **to enstate appropriate due-process as implicitly required by the Constitution of the United States.**

[The Oregon Supreme Court is thereby obliged; because, the issue before the Court at this time [prior to Judicial Review] can be considered only as it has been posed by the Defendant Appellant.

Any supposition that the matter had been appropriately heard by a prior court

BEFOREHAND, (in view of the fact that petition had been made opposing such "judgements"), ***would be a manifestation of unlawful prejudice, "stonewalling", or other such forms of malfeasance.***

The Defendant Appellant is entitled to full protection of the laws of Oregon and of the United States. And, his allegations of Constitu- tional violation cannot simply be "poo poo'd" and then just dismissed. *** "Due process" is a Constitutional right.***]

Charles E. McManama, mailed October 31, 1989

***

MOTION TO STAY THE EFFECTS OFAPPELLATE JUDGEMENT NOW FILED
[denied December 28, 1989]

I.

The Defendant Appellant has received a copy of "Appellate Judgement" filed November 27, 1989 [by the Court of Appeals]; indicating this matter is closed if the Supreme Court does not intervene.

II.

The Defendant Appellant would like to point out that, although this matter otherwise has proven inconsequential, very serious violation of judicial principles have occurred. And, that if nobody stands firm against such abuse, our heritage of high judicial tradition and Constitutional rights will simply just fade away.

Furthermore, it becomes apparent that, [in event the Supreme Court does not intervene], overt violation of law will be at issue: "stonewalling", malfeasance of office, dereliction of duty, violation of oath of office, **AND violation of the public's trust** (by elected officials).

Furthermore, there is the matter in the appellate court in which the Plaintiff Respondent (government) attorney besmirched the integrity of the appeals court by false representations in her brief; which was apparently consciously "covered up" by procedural effects instituted by certain judges. This matter, [denying process consistent with the pleadings, violating the Defendant Appellant's Constitutional rights], has become a very gross offense (no matter how honest the mistake may originally have been). [...although it seems strange she wouldn't read the "assignments of error" more carefully; since, these essentially are the only agenda to be considered.]

The Defendant Appellant points out: Integrity is the name of the game, and urges others to "get with it".

III.

THEREFORE, the Defendant Appellant hereby MOVES that the effects of the said judgement now filed be stayed until this alleged matter of violation of law (intrinsic with the allowance of such judgement) is fully examined; including the particulars of the unanswered MOTION of October 31.

Charles E. McManama

[A following memorandum was mailed in mid-December, but is not included herein because of page limitation.]

MOTION TO RESCIND ORDER (denying temporary stay)

[mailed approx. January 10, 1989]

[Motion for stay (of the appellate judgement, pending judicial review) has been ORDERED denied. The motion herein proposes rescinding this ORDER for the following reasons.]

I.

The Defendant Appellant respectfully reminds that this is a Court of law; that, the Justices of this Court took a solomn oath to "support" the Constitution of the United States;

II.

That [by consequently-apparent dereliction thereof by the Justices], the Defendant Appellant is being thereby denied the protection of law, and of due-process before this Court [as well as being denied judicial remedy for failure of due-process in previous courts, AND, as cited in the "assignments of error" of the lower court.

III.

That, since the Defendant Appellant has premised his Petition for Judicial Review upon **Constitutional** considerations, **such cannot be lawfully denied;** despite any personal unwillingness by the Justices, or any lack of specified statutory requirement.

The Defendant Appellant respectfully reminds: "Integrity is the name of the game."; and, that any violation of the rules of this "game" can exact a very high price when such has become publically apparent. And, it is a **duty** of good citizenship to require that public officials (including the Justices) respond

accordingly.

The Defendant Appellant respectfully reminds that the integrity of the Justices of this Court is on the line. **That, the motion for a "stay" is in order.**

IV.

THEREFORE, the Defendant Appellant hereby MOVES that the ORDER denying stay be rescinded; until appropriate debate is entered, and has run its course.

POST SCRIPT (memorandum):

A. Since the "rules" require any debate herein to be in writing, the Justices may "like" to interpret this as **excluding** debate; because a pro-se litigant "may be" unqualified to argue objectively (the Justices "forgetting" their reason for being).

On the other hand, what medium can be more objectively expressed? And, by what medium can prejudice, crookedness, or equivocation be more easily exposed. On the same count, by what medium can statements be more deliberate, forceful, indelible and logical? While it displaces barristers polished in their craft (often of deception), what better means to establish justice under law?

B. In the matter alleging **violation of integrity** [of the appellate court] **by the opposing attorney's brief**, AND **complicity** of a much more serious nature by appellate judges; **if** the Justices "deny" the Defendant Appellant's [seeking due process] to the point judicial remedy in this court becomes

exhausted, **then** responsibility for allowing these wrongs falls upon **their** shoulders [something commonly considered akin to "criminal negligence"].

However, maybe the Justices have no such thoughtful concerns; **being little more than unprincipled tools of a police state?** ...who will thoiughtlessly **wink at the law?**

C. So, the Justices are herein respectfully urged to demonstrate the high level of integrity we would all like to see inherent in the legal profession. At this point, can they afford not to? .....

Charles E. McManama

***

MEMORANDUM REGARDING MOTION TO RESCIND ORDER

(denying temporary stay) [mailed February 5, 1990]

According to the Defendant Appellant's records, it is now nearing 30 days since a MOTION was was made to rescind the Court ORDER of December 28 denying a motion to stay; for good and lawful reason.

To this date there has been no response; neither to the said MOTION, nor a statement by the Court that the matter is closed, citing premise under law.

Therefore, the Defendant Appellant herein MOVES that the Court respond, clarifying delay.

For the Court's immediate convenience, a review of the entire matter is as follows:

I.

The Defendant Appellant had gone before the lower court with a conditional guilty plea (accepted thereby as a "not guilty" plea), and upon this plea agreed to pay a fine. However, after the trial, when the Defendant Appellant had later learned what had been put into the court's record, [evidencing a violation of appropriate due process], he then appealed this flawed decision.

II.

In his brief of the matter before the Appeals Court, he accurately and unmistakably presented this, in proper form. However, the state attorney's brief did not address the "assignments of error", and, instead, posed the Defendant Appellant's brief in a different and false context. Although, such may have been a matter of habit and presumptuousness on her part, *it was*, nevertheless, a corruption of the facts of this matter [a violation of the integrity of the court].

III.

The panel of appeals court judges who reviewed this matter, perhaps intent upon reducing the time required, apparently read *only* the Plaintiff Respondent's brief. And, in subsequent procedure, despite great effort by the Defendant Appellant to make this breach of integrity formally recognized, all motions and petitions to this effect were simply and summarily dismissed by the Appeals Court.

Consequently, it becomes reasonably certain that this response by the Appeals Court judges *had become* a deliberate cover-up by the time this

matter entered the Supreme Court.

So, here we have *both* a violation of the integrity of the court by the Plaintiff Respondent, *and* the much more serious violation of the integrity of the court by the appellate judges.

These both can be described as crimes, far greater in the public view than for which the Defendant Appellant had been tried!

IV.

Upon entering the Supreme Court this intransigence continued, probably because of a proclivity for bureaucratic protectionism by the Justices [and because of a belief the Defendant Appellant would not persist in such a matter]. And, perhaps, mis-oriented law clerks (personal assistants), not under oath, had something to do with causing the dereliction of judicial principle that has been manifested.

The Defendant Appellant respectfully reminds that the Justices are the responsible elements here; and, that they are under oath. Furthermore, that, as elected officials they are directly responsible to the people of Oregon; and, that any failure to treat this matter properly is a very serious violation of their duties of office. There is no question about it; such violation is naked and scandalous.

The Defendant Appellant respectfully reminds that; without a recanting by the Court, any public consequences can only be extremely adverse to the Justices, unquestionably impeaching their integrity.

...Reminding: The citizen is sovereign under the law; and that government (courts, etc.) is not sovereign *above* the law.

Charles E. McManama [February 5, 1990]

February 14, 1990

Mr. James W. Nass, legal counsel

State Court Administrator

Salem, Oregon

Re: State vs. McManama, S36336 & S36279 (your designation)

Dear Mr. Nass,

Thank you for your letter of February 8, 1990, telling me:

> *"You have had sufficient bites at the apple; it is fair to say the court has not been persuaded by your three petitions and motion, and it is unlikely to be persuaded by anything else you file. Accordingly, the court will not be taking any action on your October 31, 1989 motion for reconsideration. And any additional material will be placed in the file but not acted upon."*

In view of this remarkable ambiguity, just what is it you are trying to tell me? Are you trying to tell me that the Supreme Court Justices will just ignore my motions by their own volition? Or, that someone will intervene to prevent them from having the opportunity to review?

If someone intervenes, who will such a person be? And, wouldn't that be remarkably unlawful? ...An obstruction of justice?

And, if the Justices are going to ignore by their own volition, why, then, are you writing me this? And, how, then, do you know?

Obviously, the Justices are perfectly capable of being explicit. After all, these are matters of law to which the Justices are obliged. In view of these facts, and that you (according to your letterhead) are not directly delegated to independently represent their decisions, there is additional

serious question. [And, also being strangely inconsistent, no "authorities" in law have been cited(??)]

Please explain by return mail at your earliest opportunity.

Very sincerely,

Charles E. McManama (signed)

P.S. I notice [with startled interest] that you have supplied a copy of your letter to Ms. Linda DeVries Grimms, [and not to the attorney for the Plaintiff Respondent in the other case (S36336)].

Frankly, if the accusation condemning the integrity of Ms. Grimm's brief is unfounded, she has no reason for concern in this matter.

But, if it is true that her brief had violated the integrity of the court, and there had subsequently been a concerted "cover-up" by appellate and/or supreme court judges, the total amount of crime thereby perpetrated within the court system is monstrous beyond easy belief! [Hitler used that advantage.]

In view of your "specialized" concern for Ms. Grimms, can it be that you share in this complicity? ...Perhaps this could be in the manner your letter vaguely suggests you might be able: by with-holding documents from consideration?

[not answered]

[The petitioner then began to realize that any judicial remedy in that court in every reasonable likelihood had been exhausted; despite compelling facts.]